

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KITCHEN WINNERS NY INC.,

Plaintiff,

-v-

ROCK FINTEK LLC,

Defendant.

22 Civ. 5276 (PAE)

ORDER

ROCK FINTEK LLC,

Third-Party Plaintiff and  
Counter Claimant,

-v-

KITCHEN WINNERS NY INC.,

Counterclaim Defendant,

JNS CAPITAL HOLDINGS LLC, JOEL STERN,  
HERSHEY WEINER, JOSEPH MENDLOWITZ,  
ADORAMA, INC.,

Third-Party Defendants.

PAUL A. ENGELMAYER, District Judge:


The Court has received a letter from defendants JNS Capital Holdings and Joel Stern, dated November 3, 2023, requesting a conference in anticipation of filing a motion for summary judgment. *See* Dkt. 115. This letter is premature, as fact discovery does not end until November 16, 2023.

Under the Court's Individual Rules, a party that wishes to move for summary judgment is to write the Court a letter of up to three pages, due two weeks after the close of discovery,

summarizing the anticipated motion. The opposing party then has one week to respond by letter of comparable length. The Court will then take up these motions, at a pre-motion conference, at which, if the Court determines that litigating summary judgment is then warranted, the Court will set a prompt briefing schedule.<sup>1</sup> *See* Individual Rules and Practices in Civil Cases 3.H.

The Court invites pre-motion letters, by any party, and responses, to be filed on this schedule, which would result in the pre-motion letters being due November 30, 2023, and responses being due December 7, 2023. The Court does not welcome reply letters. Counsel's letters should address whether expert discovery may prove germane to any of the anticipated summary judgment motions. If so, the Court may elect to defer summary judgment briefing until after the close of expert discovery, on February 9, 2024.

SO ORDERED.

  
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Paul A. Engelmayer  
United States District Judge

Dated: November 9, 2023  
New York, New York

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<sup>1</sup> The Court will schedule a date for a telephonic pre-motion conference upon receipt of a new letter-request after the close of fact discovery.